

**Internal
Audit
Report**

*Division of Curriculum and Instruction, Department of Special Education,
Office of Third Party Billing*

**Special Education - Third Party
Billing Self-Monitoring Audit**

January 2023

Office of Third Party Billing

Supporting Student Achievement Through the Generation and
Retention of Revenue from Third Parties



Baltimore County Public Schools
Office of Internal Audit

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Report Highlights

Special Education - Third Party Billing Self-Monitoring

January 2023

Objective

To assist the Office of Third Party Billing (OTPB) with conducting a self-monitoring process to ensure that BCPS is compliant with the Code of Maryland Regulations.

Background

The OTPB generates revenue for BCPS through the recovery of funds from Medicaid for health-related, case management, transportation, and autism waiver services provided to Medicaid eligible, special education students.

Audit Period

October 2022

Summary of Results

Health-Related Services (HRS):

- Inadequate documentation of case management and health-related services.

Autism Waiver Services (AW):

- No reportable issues

Transportation Services:

- No reportable issues

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BACKGROUND

The Center for Medicare & Medicaid Services permits BCPS to request reimbursement from Medicaid for health-related services and service coordination provided in school settings pursuant to the Individuals with Disabilities Education Act (IDEA). Medicaid will reimburse BCPS for some of the health-related services and service coordination provided to students that are included in the student's Individualized Education Program (IEP), if they are among the services specified in Medicaid law and included in the state's Medicaid plan.

In Maryland, the Maryland Department of Health (MDH) administers Medicaid reimbursements and the Maryland State Department of Education (MSDE) Interagency Medicaid Monitoring Team, which consists of staff from MSDE and MDH, monitors Medicaid reimbursements to Local Educational Agencies. In BCPS, the (OTPB) has the responsibility for the billing of Medicaid services and for conducting a self-monitoring process to ensure that BCPS is compliant with the Code of Maryland Regulations (COMAR): COMAR 10.09.36, COMAR 10.09.50, COMAR 10.09.52, COMAR 10.09.56, COMAR 10.09.25, and COMAR 10.09.40.

COMPLIANCE RATE RESULTS

Medicaid Record Documentation

Internal Audit and OTPB examined and evaluated randomly selected records for compliance with applicable State and Federal Medicaid standards for the reimbursement of paid Medicaid claims. The table below provides a breakdown of the total number of records reviewed for this sample.

Review of Medicaid billing sample for October 2022	Part B Records	Part C Records	AW Records
Service Coordination (SC)	51	N/A	24
Health Related Services (HRS)	121	N/A	N/A
Transportation	26	N/A	N/A

Part B: Medicaid Record Documentation

Autism Waiver (AW) Monitoring Results

Monitoring Criteria		Compliance	
COMAR Citation	Specific Criteria	Rate	Findings
AW Consent			
10.09.56.03(A-1)	Risk Assessment – enrolled after July 2011	100.0%	
10.09.52.03(B)(5)(e)(iii)	Signed consent form for AW services	100.0%	
10.09.52.03(B)	Signed Parental Rights and Responsibilities form	100.0%	
10.09.56.03(B)(2)(e)	AW SC provider identified by name	100.0%	
AW SC provided by appropriately licensed/certified professionals			
10.09.52.03(C)(2, 3)	Certification or License meets current standards.	100.0%	
10.09.52.03(C)(5)	Bachelor’s degree in a human services field	100.0%	
Evidence of AW SC provider completion of initial training			
10.09.52.03(C)(6)	Initial AW SC provider training documentation included	100.0%	
10.09.52.03(C)(7)	Annual AW SC provider statewide training documentation included	100.0%	
AW Initial Assessment			
10.09.52.04-2(A)	A completed initial AW POC	100.0%	
AW Reassessment			
10.09.52.04-2(C)	A POC review completed once every 12 months, at least	100.0%	

Monitoring Criteria		Compliance	
COMAR Citation	Specific Criteria	Rate	Findings
AW Ongoing Service Coordination			
10.09.52.04-2(B)(1)(a)	Provided by identified AW SC provider	100.0%	
10.09.52.04-2(B)(1)(a)	Contact with the AW participant or participant's parent/guardian	100.0%	
10.09.52.04-2(B)(1)(a)	Describes phone, written, or in-person mode of contact	100.0%	
10.09.52.04-2(B)(2)(a-m)	A contact note establishing services, linkages, progress, or delivery	100.0%	
10.09.52.04-2(B)(1)(b) & 10.09.56.04(X)	Quarterly direct observation of AW participant	100.0%	
10.09.52.04-2(B)(1)(b)	Annual visit to home of AW participant	100.0%	
Requests for AW Payment			
10.09.52.06(A)(2)(c)(i)	Includes the actual date of AW service	100.0%	
10.09.52.06(A)(2)(c)(ii)	Includes AW participant's name	100.0%	
10.09.52.06(A)(2)(c)(iii)	Includes AW provider's name	100.0%	
10.09.52.06(A)(2)(c)(iii)	Includes AW provider's signature	100.0%	
10.09.52.06(A)(2)(c)(iv)	Includes the correct AW procedure code	100.0%	
Documentation of AW services			
10.09.56.04(S)	Monthly tracking logs show at least one monthly services	100.0%	
Evidence of current treatment plan or reportable event on file			
10.09.56.08 & 10.09.56.17	Treatment Plan-Family Consultation Services	100.0%	
10.09.56(.06-1 & -2) 10.09.56(.14 & .14-1)	Treatment Plan-Therapeutic Integration or Intensive Therapeutic Integration	100.0%	
10.09.56.06 & 10.09.56.15	Treatment Plan-Intensive Individual Support Services	100.0%	
10.09.56.10 & 10.09.56.19	Treatment Plan-Adult Life Planning	100.0%	
10.09.56.07 & 10.09.56.16	Treatment Plan-Residential Habilitation	100.0%	

Parental Consent Monitoring Results

Monitoring Criteria		Compliance	
COMAR citation	Specific Criteria	Rate	Findings
Initial Parental Consent for SC			
10.09.52.03(B)(5)(b) 10.09.52.03(B)(3, 5)	Initial parental consent and approval, signed after 3/18/13: SC identified by name	100.0%	
Annual MA Parental Update			
34 CFR 300.154(d)(2)(v) 10.09.52.03(B)(3, 5)	Provision of written notification of available public benefits, provided each year	100.0%	

Change of SC provider			
10.09.52.03(B)(3)	Change of SC provider; specifically identified by name	100.0%	

Service Coordination Monitoring Results

Monitoring Criteria		Compliance	
COMAR citation	Specific Criteria	Rate	Findings
Conditions for Participation			
10.09.36.03(A)(9)	Maintain records for a minimum of six (6) years and make them available on request	100.0%	
Adequate documentation of SC payment requests			
10.09.50.07(A)	Procedure code	100.0%	
	Date(s) of service	100.0%	
	Participant name	100.0%	
	Provider name and signature	100.0%	
SC provided by appropriately licensed/certified professional			
10.09.52.03(C)	License or certification meets current standards	100.0%	
Adequate documentation of SC			
10.09.52(03 & 04)	Provided by the approved SC provider	100.0%	
	Identified as phone, written, or in-person contact	100.0%	
	Identification of the participant or the participant's parent/guardian	98.0%	The parent/guardian was not identified for 1 service
	Contact note describes services, linkage, progress, and/or service delivery	86.3%	The contact documentation was not adequate for 7 services
Documentation of 10 Day Meeting Notice prior to a formal meeting			
13A.05.01.07(D)(2)	10 Day Meeting Notice	100.0%	

Health Related Services Monitoring Results

Monitoring Criteria		Compliance	
COMAR citation	Specific Criteria	Rate	Findings
Conditions for Participation			
10.09.36.03(A)(9)	Maintain records for a minimum of six (6) years and make them available on request	100%	
Adequate documentation of HRS payment requests			
10.09.50.07(A)	Date(s) of service	100.0%	

Monitoring Criteria		Compliance	
COMAR citation	Specific Criteria	Rate	Findings
	Participant name	100.0%	
	Procedure code w/ units	96.7%	Prorating the number of units billed was not completed for 3 co-treatment service records. For 1 record the number of units was prorated as a co-treatment in error.
	Provider name and signature	100.0%	
HRS provided on dates corresponding to participant attendance			
10.09.50.07(B)	Attendance records verified	100.0%	
Provision of HRS by appropriately licensed professionals			
10.09.50.02	License meets current standards	100.0%	
HRS provided per IEP			
10.09.50.04(A)	Duration of time (start/stop)	100.0%	
	Frequency of service matches IEP	100.0%	
Adequate documentation of HRS			
10.09.36.03(A) 10.09.50.04(A)	Follows accepted professional standards and applicable fed/state/local laws	95.9%	Documentation for 5 services did not describe a direct therapeutic HRS activity.
Provision of HRS by lesser-qualified providers include supervision by a fully licensed provider			
10.09.50.04(A)	Supervisor name and signature	100.0%	
	Follows accepted professional standards and applicable fed/state/local laws	100.0%	
Transportation Services in accordance with IEP			
10.09.25.04	Service identification on IEP	100%	
Adequate documentation of transportation services			
10.09.25(04 & 05)	Transported on same date(s) as approved HRS	100%	
	Transportation attendance; correct procedure code units	100%	

RESULTS

Inadequate documentation of case management and health-related services.

Issue	<p>One of the 51 case management services reviewed did not identify the person contacted on the service coordination documentation.</p> <p>Seven of the 51 case management services reviewed did not include adequate description of supports that related to the IEP outcome(s) in the service coordination documentation.</p> <p>Three of the 121 health-related services reviewed did not prorate the number of units billed for co-treatment services. One of the 121 health-related services was prorated as a co-treatment service in error.</p> <p>Five of the 121 health-related services did not have documentation to describe a direct therapeutic HRS activity.</p>
Recommendation	<p>The OTPB should continue to provide additional training to ensure that case management services are fully documented, with all required information on the appropriate case management log. Additionally, continue to provide training to ensure that the proper procedure codes are billed for services provided and that only direct services are billed and are properly documented.</p>
Management's Corrective Action	<p>The OTPB will continue to review issues with DSE Compliance, IEP Chairs and case managers. OTPB will continue to provide additional asynchronous and synchronous trainings. OTPB and DSE Compliance will continue to review samples of case management documentation periodically. Annual trainings and ongoing support will continue to be provided as needed. Additionally, OTPB will continue to review issues with DSE, HRS Coordinator, Supervisors, and HRS providers. Professional learning and support for all HRS providers will continue to be provided annually. OTPB and DSE HRS Coordinator and Supervisors will continue to review samples of HRS documentation periodically and provide ongoing training and support to HRS providers as needed.</p>
Responsible Person(s)	<p>DSE Compliance, IEP Chairs, Case managers, HRS Coordinator and Supervisors in collaboration with OTPB</p>
Anticipated Completion Date	<p>Fall 2022 and ongoing</p>

OBJECTIVE, SCOPE & METHODOLGY

Objective	To assist the OTPB to conduct a self-monitoring process to ensure that BCPS is compliant with the COMAR.
Scope	The audit period is October 2022.
Methodology	<p>Health-Related Services Review</p> <p>Internal Audit received an electronic file from OTPB of all Medicaid services billed for the period October 1, 2022 through October 31, 2022. Internal Audit randomly selected a sample of 60 students for the health-related services review. As of December 9, 2022 there were 172 health-related services and case management services billed for the audit period for the 60 students. OTPB examined the clinical and case management notes, attendance records, parental consent forms, IEP's, encounter forms, and provider licenses/certificates to determine compliance with applicable COMAR regulations.</p> <p>Autism Waiver Services Review</p> <p>Internal Audit received an electronic file from OTPB of all BCPS students who were autism waiver participants at any time during calendar year 2022. Internal Audit randomly selected a sample of 24 students for the autism waiver services test work. Internal Audit reviewed the autism waiver file and the student contact log for each student as well as the diplomas and training certificates for the service coordinators to determine compliance with applicable COMAR regulations.</p> <p>Specialized Transportation Services Review</p> <p>Internal Audit received an electronic file from OTPB of all specialized transportation services billed for the period October 1, 2022 through October 31, 2022 as of January 19, 2023. Internal Audit randomly selected a sample of 26 specialized transportation services. Internal Audit determined the names of the students who received the services and reviewed the applicable School Bus List, the encounter forms, the IEP's and the attendance records of each student identified as receiving the specialized transportation services to determine compliance with applicable COMAR regulations.</p>